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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,418	10/10/2003	Masayuki Sumi	05905.0174	9609

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
HSU, RYAN

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/682,418	SUMI ET AL.
	Examiner	Art Unit	
	RYAN HSU	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-7,9 and 10* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *2,4-7,9 and 10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed

on 7/14/09. Claims 7 and 9 have been amended and claim 8 has been canceled without prejudice

or disclaimer. Claim 10 has been newly added. Claims 2, 4-7, 9-10 are pending in the instant

application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 2 and 4-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Satsukawa et al. (US 6,379,249 B1) and Kami et al. (US 5,853,324) and

further in view Matsumoto (US 7,160,191 B2).

Regarding claims 7, 9-10, Satsukawa teaches a computer program product including a

computer program causing a computer system to execute processing for determining whether or

not bullets are virtually fired in response to an input operation of a player character colliding

with an enemy-character that is computer controlled, and processing for displaying the enemy

character in a virtual space viewed from a virtual viewpoint on a screen, the computer program

causing the computer system to execute: a) determining whether or not a visual effect request for

requesting visual effect processing is input by a player character(*ie: the first player perspective*

of the virtual game where the player is interacting with the game the program waits for

input)(*see Fig. 2 and the related description thereof, col. 7: ln col. 18: ln 55*); (c) displaying

circumstances in the virtual space where the enemy-character is located based on a changed time

scale (*ie: elapsed progression in the game*); (d) determining whether or not bullets that are

virtually fired in response to an input operation of the player collide with the enemy-character

being a shooting target or collide with bullets that are virtually fired from the enemy-character

being a shooting target or collide with bullets that are virtually fired from the enemy-character

and are shooting targets (*see col. 7: ln 28-65, col. 8: ln 36-60*); (e) displaying an image of the

shooting target being shot at one the screen when bullets that are virtually fired responding to an

input operation of the player colliding with the shooting target (*ie: shoots a locust of bullets*

when player input is received) (*see col. 8: ln 24-55*); (f) displaying a remaining time for the

computer system to execute the display of circumstances (*see col. 9: ln 50-65*); (g) decreasing

the remaining time in proportion to an elapse time in which the computer system executes the

displaying of circumstances (*see col. 11: ln 13-col. 12: ln 62*). However, Satsukawa is silent

with respect to the specific teaching of a running time limit or remaining time in proportion to

the elapsed time to change such things as the display speed of the enemy-character and restoring

a time scale when the remaining time is over.

   In an analogous gaming patent, Kami et al. teaches the implementation of a shooting

game where an elapsed time reduces in game play that decreases in proportion to an elapsed time

in which the computer system executes the displaying of circumstances. Additionally, the

system of Kami teaches the determining of whether or not the remaining time as the element of a

running clock to accomplish tasks in a game adds an element of excitement to the game.

However, as taught in Kami the remaining time may be restored to a normal value when a certain

accomplishment or progression through the game has been reached where the player may be

awarded more time or the scale will be reset to a preset amount of time (*see time limit [380] of*

Fig. 3 and the related description thereof). Furthermore, Kami et al. teaches determining

whether or not a plurality of bullets that are virtually fired in response to an input operation of

the player consecutively collide with the enemy-character or with bullets that are virtually fired

from the enemy-character and increasing the remaining time more when the plurality of bullets

that are virtually fired in response to an input operation of the player consecutively collides with

bullets that are virtually fired from the enemy-character than when the plurality of bullets that are

virtually fired in response to an input operation of the player consecutively collide with neither

the enemy-character nor bullets that are virtually fired from the enemy-character (*see time limit

[380] of Fig. 3 and the related description thereof, Fig. 8(a-c) and the related description

thereof*). One would be motivated to incorporate such features into that of shooting game in

order to create another layer of intensity within the game play. It would also require the player

accomplish the goals in the game to progress and eliminate the enemy player-characters

efficiently. Therefore it would have been obvious to one of ordinary skill in the art to modify the

features taught in Satsukawa with that of Kami in order to create a computer program product

that incorporated a time scale element that effected the progression of a video game at the time

the invention was made. This would effectively create the predictable result of providing a

means to increase the intensity and excitement in the player by having to clear a stage in an

effective manner. However, although Satsukawa and Kami allow for a battle game to

incorporate different time elements it is silent with respect to stating the ability to change "the

time scale such that a display speed of at least the enemy-character and each one of the bullets

fired from the enemy-character become slower when the visual effect request about the time

scale is input, wherein the time scale changes regardless of whether the bullets fired hit a target"

and "displaying circumstances in the virtual space viewed from the virtual viewpoint on the

screen where the enemy-character is located based on the changed time scale, wherein the time

scale of the player in said displaying circumstances remains unchanged so that the player speed

appears relatively faster than the speed of the enemy-character and the speed of each one of the

bullets fired from the enemy-character".

In an analogous shooting game, Matsumoto teaches a feature that allows the player to

control the player-character and control aspects of the fourth dimension, time. Matsumoto

teaches that a game player can change the rate at which a game character is rendered in a video

game with respect to the rendering rate of its surroundings to produce this effect (*see abstract*).

This feature gives the appearance of the player character to move faster then other characters

(including enemy-characters). Through this process the player is able to control the speed of the

player-character to appear relatively faster in speed and each one of the bullets fired from

opposing enemy characters for a predetermined period of time (*see col. 3: ln 53-col. 4: ln 32*). In

the embodiment taught in Matsumoto, the player can access the time feature to alter the time axis

of various objects in the game either the player character or the rendered enemy characters in the

gaming environment to provide the advantage of easily attacking and defeating enemy-characters

(*see col. 7: ln 15-46*). Therefore Matsumoto teaches a system that changes the time scale such

that the display speed of the player character becomes slower than normal and the display speed

of the enemy character and the bullets are slower than the display speed of the player-character

and (c) displaying circumstances in the virtual space viewed from the virtual viewpoint on the

screen where the player-character and the enemy character are located based on the changed time

scale wherein the time scale of the player in the displaying circumstances is changed so that the

speed of the player-character appears slower than usual and relatively faster than the speed of the

enemy-character and the speed of each one of the bullets fired from the enemy-character. The

feature was set up so that once the player adjusted the time scale it would provide the appearance

that the player was moving faster than the objects around him and was able to move through the

fourth dimension of the game (*ie: time*). The feature taught in Matsumoto provides the

predictable result of providing the player character with a temporary advantage that is beneficial

in shooting games when players are bombarded with enemy-characters attacking them. One

would be motivated to incorporate such a feature in a shooting game not only to provide a

visually appealing experience but also an advantage to the player during the play of the game.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the features of Matsumoto into the gaming method taught by Kami and

Satsukawa to provide the player with an enhanced visual experience and advantage against

enemy characters to yield the predictable result of providing more enjoyable video game.

Regarding claim 2, Satsukawa discloses the computer program product wherein the

computer program product causes the computer system to execute whether processing transitions

to bullet fire wait status where a bullet is fired from the enemy-character to the player-character

within a predetermined time, and if processing transitions to the bullet fire wait status, the

computer program causes the computer system to determine whether the player input called for a

visual effects request (*see Fig. 24 and the related description thereof, col. 12: ln 32-67*).

Regarding claim 4, Satsukawa disclose a computer program wherein the computer

program product causes the computer system to determine whether the mode is a mode where

two or more players play, and to update the remaining time so that the increasing amount of the

remaining time when it is determined that the mode is a mode where two or more players play

(*see col. 9: ln 39-col. 10: ln 30*), becomes different from the increasing amount of the remaining

time in a mode where one player plays.

Regarding claim 5, Satsukawa disclose a program product wherein the computer program

causes the computer system to determine whether or not the displaying of circumstances with

respect to the image display processing and visual effects is being executed and if it is

determined that the image display processing with the visual effects is being executed, the

computer program causes the computer system to execute image effects processing for changing

the display mode visually before and after the image display processing with the visual effects is

executed (*see Fig. 2 and the related description thereof, col. 8: ln 23-54*).

Regarding claim 6, Satsukawa disclose wherein the visual effect request input is a control

signal, which is output to the computer system when a player steps on a foot pedal connected to

the computer system (*see col. 8: ln 23-36*).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view

of the new ground(s) of rejection. Applicant's arguments directed towards the prior art of "Max

Payne" have been considered and have been addressed above. Such arguments have been

addressed above in the rejection incorporating the prior art of Matsumoto.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached at (571)-272-4437.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

August 27, 2009

/John M Hotaling II/

Supervisory Patent Examiner, Art Unit 3714